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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/804,333	03/18/2004	Takeshi Idemura	1232-5343	7006
27123 7590 10/20/2008 MORGAN & FINNEGAN, L.L.P. 3 WORLD FINANCIAL CENTER NEW YORK, NY 10281-2101				
EXAMINER				
KHAN, USMAN A				
ART UNIT		PAPER NUMBER		
2622				
NOTIFICATION DATE		DELIVERY MODE		
10/20/2008		ELECTRONIC		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

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Office Action Summary

Application No.

10/804,333

Applicant(s)

IDEMURA ET AL.

Examiner

USMAN KHAN

Art Unit

2622

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 23 June 2008.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 13, 18, 20 and 23 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 13, 18, 20 and 23 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 14 March 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/808)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

Response to Arguments

Applicant's arguments filed 06/23/2008, with respect to claim 13 has been fully considered but are not persuasive.

Please refer to the following office action, which clearly sets forth the reasons for non-persuasiveness.

Regarding **claim 13**, Applicant argues that Fujimoto provides no teaching or suggestion that any operation other than controlling zoom speed can be allocated to the control lever 13. Fujimoto discloses a plurality of switches 11 that are operated to set functions of the camera. However, the functions allocated to the switches 11 of Fujimoto cannot be changed. In other words, Fujimoto does not teach or suggest that the functions allocated to switches 11 can be changed by operating a switch corresponding to the operation switch set forth in independent claim 13.

In response to applicant's argument the examiner points that the various speeds as shown in figures 5 and 10 can be considered as various functions as claimed by the applicant in the pending claims; to overcome this broad interpretation the applicant should amend the claims accordingly.

DETAILED ACTION

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 13, 18, 20, and 23 are rejected under 35 U.S.C. 102(b) as being anticipated by FUJIMOTO et al. (JP 11084212 A [Note: in this Office Action the examiner refers to the PAJ online translation of JP 11084212 A provided by the examiner when discussing FUJIMOTO et al.]).

Regarding **claim 13**, FUJIMOTO et al. teaches an operation apparatus which is used for operating a zoom lens (drawing 10, the camera body shown in the drawing and lens 3), comprising: a zooming switch which is operated to perform a zooming operation (Drawing 10 item 13) of the zoom lens (Drawing 10 item 3), comprising: a function switch (Drawing 10 item 13); an operation switch which is operated to allocate one of a plurality of functions to the function switch (Drawing 10; and means and detailed description section paragraph 0038 et seq. [Also abstract translation attached with the Japanese reference]); and a display member which displays information on the function allocated to the function switch (Drawing 5 and 10).

Regarding **claim 18**, FUJIMOTO et al. teaches an image-taking system (figure 10, the camera shown in the drawing), comprising: the operation apparatus according to

claim 13 (see discussion of claim 13 above); and the zoom lens (drawing 10, the camera body shown in the drawing and lens 3).

Regarding **claim 20**, FUJIMOTO et al. teaches the operation apparatus according to claim 13, further comprising a second function switch (Drawing 10 item 11), wherein the operation switch can allocate another function of the plurality of functions to the second function switch (Drawing 10; and means and detailed description section paragraph 0038 et seq. [Also abstract translation attached with the Japanese reference]);, and wherein the display member simultaneously displays the functions allocated to the first and second function switches (Drawing 10 item 11; the function of the result of the user pressing these switches 11 for performing record of a taken image or performing various setting out of a video camera, etc can be seen on the screen such as shown in Drawing 5 "PAUSE").

Regarding **claim 23**, FUJIMOTO et al. teaches a camera comprising (figure 10, the camera shown in the drawing): an image-pickup element (Means and Detailed Description section paragraph 0019 et seq.; CCD); the operation apparatus according to claim 13 (see discussion of claim 13 above); and the zoom lens which forms an object on the image-pickup element (drawing 10, the camera body shown in the drawing and lens 3).

Conclusion

THIS ACTION IS MADE FINAL. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Usman Khan whose telephone number is (571) 270-1131. The examiner can normally be reached on Mon-Thru 6:45-4:15; Fri 6:45-3:15 or Alt. Fri off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David Ometz can be reached on (571) 272-7593. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Usman Khan/

Usman Khan
10/14/2008
Patent Examiner
Art Unit 2622

/David L. Ometz/
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